



**MARASHLIAN
& DONAHUE, LLC**
THE COMMLAW GROUP



0000165861

August 19, 2015

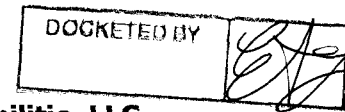
ORIGINAL

Via Overnight Courier

Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007-2927

Arizona Corporation Commission
DOCKETED

AUG 20 2015



RE: Response to Staff's First Set of Data Requests to Mobilitie, LLC
Docket No. T-20913A-15-0191

Dear Sir or Madam:

Enclosed please find an original and thirteen (13) copies of Mobilitie, LLC's Response to Staff's First Set of Data Requests under the above referenced docket. A copy of this filing has also been served via email to Mr. Matthew Connolly at mconnolly@azcc.gov.

The responses to STF 1.10 – STF 1.14 were provided by undersigned counsel. The responses to all remaining questions were provided by Ms. Genevieve Kristie, Law Clerk and Mr. Ethan Rogers, Senior Corporate Counsel. Both parties business address is 2220 University Drive, Newport Beach, CA 92660.

If you have any questions or concerns regarding this filing please do not hesitate to contact me at vmp@commlawgroup.com or (703) 714-1309.

Respectfully submitted,

Vireetha Pillai
Counsel for Mobilitie, LLC

RECEIVED
2015 AUG 20 A 11:03
AZ CORP COMMISSION
DOCKET CONTROL

RESPONSE TO STAFF'S FIRST SET OF DATA REQUESTS TO
MOBILITIE, LLC. ("MOBILITIE")
DOCKET NO. T-20913A-15-0191
August 19 2015

In addition to a paper response, all information responses should also be provided in searchable PDF, DOC or EXCEL files via email or electronic media.

For each answer, please identify by name, title, and address each person providing information that forms the basis for the response provided.

Please make sure each numbered item and each part of the item is answered completely

STF 1.1 Please clarify for each of the short bios for each of the Officers listed in Attachment A the number of years of telecommunications experience.

Response: Brian Schaefer originally listed as the Chief Financial Officer is no longer the Chief Financial Officer of Mobilitie, LLC. As for the other three individuals, below are their years of experience in telecommunications:

Gary Jabara – 23 years
Christos Karmis – 15 years
Mark Askelson – 15 years

STF 1.2 The percentage of ownership associated with the Officers listed in Attachment A equates to 90%. Whom or what entity or entities own the remaining 10% of Mobilitie, LLC?

Response: The remaining 10% of Mobilitie, LLC is owned by Mr. Gary Jabara.

STF 1.3 Please indicate, in a diagram, the company relationship between Mobilitie, LLC and the following entities:

- SBA Communications
- SBA Monarch Acquisition, LLC
- Monarch Towers Acquisition, LLC
- Mobilitie Investments, LLC
- Mobilitie Investments II, LLC
- New Mobilitie Investments, LLC
- MPGJ-I, LLC
- MPGJ-II, LLC
- MPMA-I, LLC
- Mobilitie Holdings, LLC
- Mobilitie Holdings II, LLC
- Mobilitie Partners, LLC
- Mobilitie Partners II, LLC
- Orlin Properties, LLC

RECEIVED
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Response: The entities listed above have either been sold or are defunct with the exception of a few. Please see the attached diagram for the response to STF 1.3 to see the relationship of Mobilitie, LLC to the existing entities.

STF 1.4 In response to (D-1) on its Application, the Company indicates the "Applicant builds networks as a neutral host provider of infrastructure solutions to wireless carriers." Please explain this in detail.

Response: Applicant is a wireless infrastructure provider who funds, deploys, and operates indoor and outdoor neutral host DAS, Small Cell, and Wi-Fi networks, communication tower sites, as well as other infrastructure used by wireless carriers, emergency responders, public safety agencies, backhaul providers, and other similar companies.

STF 1.5 Will the Company be building a network infrastructure and/or deploying equipment in Arizona? If so, please also explain where in Arizona.

Response: Yes, Company will be building a network infrastructure and/or deploying equipment in Arizona within the statewide geographic market indicated in its response to Application section (A-10). Specific locations will be based on market and customer demand, but are underdetermined at this time.

STF 1.8 Please provide a contact name, address phone number and email address for the person or department responsible for receiving and handling customer complaints.

Response: Customer support and number will be provided prior to offering service in Arizona

STF 1.9 What steps and precautions has Mobilitie taken in order to ensure the security of its networks and equipment? If none exist, what protections does the company have planned?

Response: Mobilitie works in conjunction with the four major carriers to assure data protection. In cases where Mobilitie provides service directly, such as WiFi, Mobilitie complies with all applicable laws, rules, and regulations, including without limitation PCI. In such case, Mobilitie ensures all holes in software are patched to protect from any type of security breach. Additionally, each carrier customer has their own system of protections in place, and are responsive to the end-user needs and security concerns.

STF 1.10 In regards to the response provided for Section (A-18), please provide documented evidence that Mobilitie's proceeding in Colorado was dismissed without prejudice and formal certification was unnecessary.

Response: The attached two electronic correspondences in the document titled "**Response to STF 1.10**" show that Colorado Staff determined that certification was not necessary for the services Mobilitie intends to provide. The Application filed in

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Colorado included the same description of services as the current Application. Staff determined that Mobilitie's services would not be "basic local exchange services" under Colorado law and, therefore, would not qualify for require a certificate of public convenience and necessity. Staff further concluded that, under recent changes to the law, Mobilitie would be able to provide its services, and obtain access to public rights-of-way, without having to obtain a certificate of public convenience and necessity. Staff directed Mobilitie to several state bills, which were passed into law August 6, 2014 amending the Colorado Revised Statutes to allow greater capabilities for broadband and other non-traditional providers, these are all under House Bills 14-1327, 14-1328, 14-139, 14-1330, and 14-1331. The purpose of the new laws was to enable companies that are not traditional CLECs to obtain the same level of access to public rights-of-way and facilities to expand the availability of broadband service in Colorado. See C.R.S. 38-5.5-103 (discussing right to occupy and utilize public rights-of-way). See C.R.S. 29-27-404 (outlining the permit process for broadband providers).,

Also included in the "Response to STF 1.10" attachment is the final page of the Order issued under Proceeding No. 15A-0073T. Note in Order #2 that the Application was dismissed without prejudice.

STF 1.11 In regards to the information provided by Mobilitie in Attachment G that mentions the Nevada Show Cause, please provide the final Order that resolved the issue and allowed Mobilitie to retain its Nevada CPCN.

Response: In Docket No. 12-08024, Mobilitie filed a letter explaining that recent personnel changes resulted in the lapse in compliance reporting, and requested that the Commission not revoke its Certificate of Public Convenience. In response, the Commission imposed an administrative fine, which Mobilitie paid as evidenced by the document in '**Response to STF 1.11.**' Also included is Document 28206 under this Docket, which is titled the 'Corrected Order.' Staff did not issue a new Order, but this shows removal of certain entities who paid their fines; Mobilitie is one such entity.

Docket No. 13-08019 was closed after identifying the certificated carriers that would be required to be present at a show cause hearing. The show cause hearing was opened under Docket No. 13-10053; the Final Order placed a penalty of \$50.00 on Mobilitie, which it paid in full on March 17, 2014. Applicant has included in the document "Response to STF 1.11" a copy of the check that was received by the Commission. There is no Final Order resolving the issue.

STF 1.12 Finally, please provide documented evidence that Mobilitie does indeed now have authority to provide telecommunications service in Wyoming as indicated in Attachment G.

Response: Attached document '**Response to STF 1.12**' includes the letter and Final Order authorizing Mobilitie to provide telecommunications services in Wyoming.

RESPONSE TO STAFF'S FIRST SET OF DATA REQUESTS TO
MOBILITIE, LLC. ("MOBILITIE")
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STF 1.13 Please provide an explanation as to why the Public Utilities Commission of Rhode Island issued an Order in 2013 that rescinded Mobilitie's authority to provide telecommunications service. Please also include an explanation as to why this information was not disclosed with Attachment G the Application.

Response: Mobilitie, LLC was not made aware of the rescission of authority in the state of Rhode Island, until very recently, which is why it was not disclosed in Attachment G. On July 20, 2015, Mobilitie, LLC filed a new application for authority to provide telecommunications services in the state, acknowledging that its authority was previously revoked. The new application is currently before the Rhode Island Public Utilities Commission under Commission Docket No. 4572.

STF 1.14 A Staff search revealed a complaint against Mobilitie, LLC in Application No. C-3925/DC-75 for failure to file an annual report. Please include an explanation as to why this information was not disclosed with Attachment G the Application.

Response: This was an inadvertent oversight by Applicant. The notice was issued by the Nebraska Public Service Commission in 2008, and has since been remedied. At that time Mobilitie's internal state reporting and compliance was not properly being monitored. However, over the past year Mobilitie has retained the state and FCC managed compliance services of The *Compliance* Group (www.thecompliancegroup.com). This has enabled Mobilitie to fix its standing with state public utility commissions and to maintain its compliance at both the state and federal level.

STF 1.15 A Staff search of the FCC website revealed three FCC Notices of Violation issued against Mobilitie Investments II in 2011. Please clarify the relationship between Mobilitie, LLC and Mobilitie Investments II.

Response: Mobilitie, LLC is the sole owner of Mobilitie Partners II, LLC, which was the sole owner of Mobilitie Investments II, LLC. However, Mobilitie Investments II, LLC was sold in 2012 and is no longer affiliated with Mobilitie, LLC.

The FCC Notices of Violation were minor, administrative issues and an inadvertent violation that is quite common in the industry. These were issued for incorrect placement of structural registration number stickers.

STF 1.16 Please fully disclose any and all other items that Mobilitie neglected to disclose in response to (A-11).

Response: There are no other items that Mobilitie has neglected to disclose in response to (A-11).

STF 1.17 Please provide a sworn, notarized affidavit by an officer of Mobilitie that all information provided in response to (A-11) and (A-12) of the Application and the response to STF 1.10 - STF 1.16 comprises all existing information in regards to the information requested.

RESPONSE TO STAFF'S FIRST SET OF DATA REQUESTS TO
MOBILITIE, LLC. ("MOBILITIE")
DOCKET NO. T-20913A-15-0191
August 19 2015

Response: Please find attached a sworn, notarized affidavit by an officer of Mobilitie that all information provided in response to (A-11) and (A-12) of the Application and responses to STF 1.10 – STF 1.16 comprises all existing information in regards to the information requested.

STF 1.18 Please provide the number of customers per state in any state in which the Mobilitie is currently providing service.

Response: Mobilitie has a relationship with the four major wireless carriers in 18 states, including California, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Missouri, Montana, Nebraska, New York, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia and Washington.

STF 1.19 Please provide the location of the company's Network Operation Center (NOC). Is the NOC owned by Mobilitie? If not, please provide the name of the third party who owns and manages the NOC.

Response:

NOC Phone Number: 888-789-8499

NOC Vendor:

Metaverse Mod Squad, Inc.

1300 South Street

Sacramento, CA 95811

STF 1.20 What are the hours of availability for the customer support provided by Mobilitie?

Response: 24 hours a day, 7 days a week

STF 1.21 Does Mobilitie have plans to provide service under any other company name in Arizona?

Response: No, Mobilitie does not currently plan to provide service under any other company name in Arizona.

STF 1.22 Will Mobilitie have any employees located in Arizona? If yes, please specify how many. If not, why not?

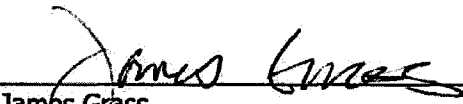
Response: No, Mobilitie does not have any employees located in Arizona. Mobilitie is awaiting grant of the authority sought under the application in this proceeding. Pursuant to such grant, Mobilitie will consider next steps to retain employees and offer services, as the market demands.

VERIFICATION

I, James Grass, am the Vice President, Corporate Counsel of Mobilitie, LLC and I am authorized to make this verification on its behalf. The statements in the foregoing responses to the Arizona Corporation Commission Staff's First Set of Data Requests in Docket No. T-20913A-15-0191 are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19th day of August, 2015.


James Grass
Vice President, Corporate Counsel

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

S.S.

On August 19, 2015 before me, Yumi Corvera, Notary Public

Name of Notary Public, Title

personally appeared _____

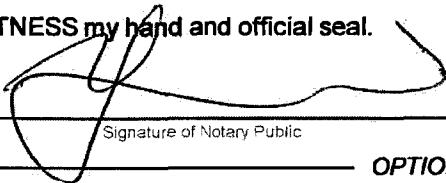
Name of Signer (1)

Name of Signer (2)

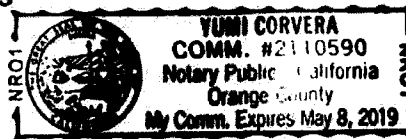
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-fact
☐ Corporate Officer(s) _____

Title(s)

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____

Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- ☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

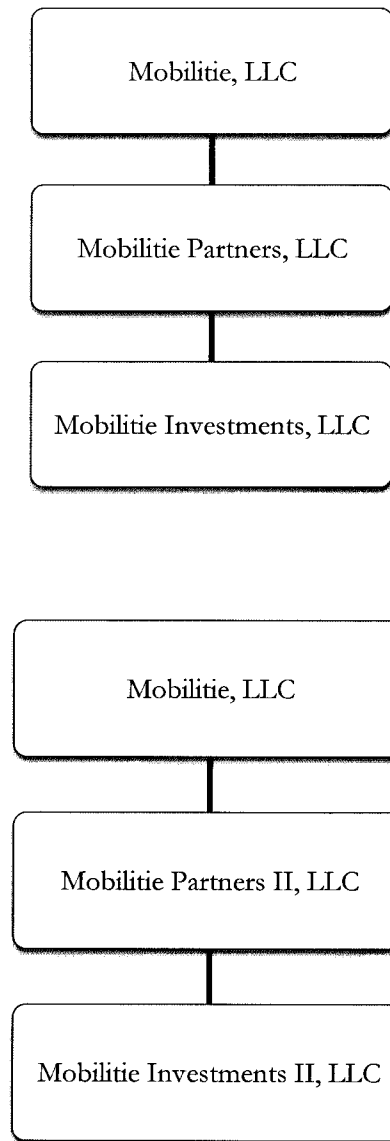
Other

- ☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

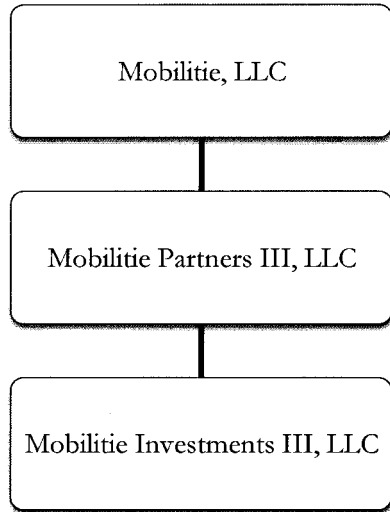
Response to STF 1.3

Responsive to STF 1.3 in Staff's Data Request 1



Entities:
Mobilitie, LLC
Mobilitie Partners, LLC
Mobilitie Partners II, LLC
Mobilitie Partners III, LLC
Mobilitie Investments, LLC
Mobilitie Investments II, LLC
Mobilitie Investments III, LLC

Responsive to STF 1.3 in Staff's Data Request 1



Response to STF 1.10

Vineetha Pillai

From: Jean Watson-Weidner <JSWW@state.co.us>
Sent: Tuesday, March 17, 2015 5:57 PM
To: Vineetha Pillai
Cc: Susan Travis (susan.travis@state.co.us); Teresa Ferguson (teresa.ferguson@state.co.us); Anne Botterud
Subject: Mobilitie CPCN Amended Application

Staff's opinion based on its initial review of your client's amended application and the accompanying documents, including the tariff, is that your client does not meet the statutory and regulatory requirements for provision of basic local services which is the necessary predicate for receipt of a CPCN from the Commission. Neither Staff nor I can advise you any further on steps your client can take because Staff has now intervened in this proceeding. The Commission at its weekly meeting will, by minute order, assign this matter to an ALJ to proceed to a hearing in this matter. I would advise you to consider the Colorado statutes and the Commission's rules of practice and procedure for more detail on the litigation process as well as any other questions you may have about meeting the statutory and regulatory requirements for provision of basic local services. The Statutes and rules can be found on the Commission's website. Staff will consider all of its options for litigating this matter including but not limited to issuing discovery pursuant to the Commission's rules.

Jean S. Watson-Weidner
Assistant Attorney General
Department of Law
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th Floor
Denver, Colorado 80203
Direct Telephone: 720-508-6331
Email: jsww@state.co.us

Vineetha Pillai

From: Susan Travis <susan.travis@state.co.us>
Sent: Saturday, December 13, 2014 3:05 PM
To: Vineetha Pillai
Cc: Michael Donahue; Joanna Wallace
Subject: Re: HB14-1327

Follow Up Flag: Follow up
Flag Status: Completed

Vineetha,

I spoke with counsel and basically, Mobilitel does not meet the standards for being a "public utility". In order to receive a CPCN, a provider must provision services under Part II of our statutes (40-15-201). Part II services consist of basic emergency service. Our rules for a CPCN contemplates that the company is provisioning local exchange service. Mobilitel does not meet the standards for a CPCN so Staff would recommend denial of their CPCN request.

Let me know if the company would like to withdraw their application or if they would like to continue with the proceeding.

Susan Travis
Rate/Financial Analyst
Colorado Public Utilities Commission



P 303.894.2843 | F 303.894.2065
1560 Broadway, Suite 250, Denver, CO 80202
susan.travis@state.co.us | www.dora.colorado.gov/puc

On Tue, Dec 2, 2014 at 8:05 AM, Vineetha Pillai <vmp@commmlawgroup.com> wrote:

Thank you.

Regards,

Vineetha

13. An oral motion was made by Staff to dismiss the application due to the Applicant's abandonment of the application.

14. The oral motion to dismiss was granted at the prehearing conference. This Decision memorializes that ruling.

15. The Application will be dismissed for the failure of the Applicant to prosecute this case. Applicant had actual notice of the prehearing conference and failed to appear or to explain the failure to appear. Applicant has made none of the filings required by Commission rules. In short, Applicant has evidenced no interest in pursuing the Application. Under these circumstances, the ALJ finds that it would waste the Commission's time, would waste Staff's time, and would increase Staff's litigation-related costs to keep this matter open.

16. Based on the foregoing, the ALJ finds and concludes that the oral Motion to Dismiss should be granted; that the Application should be dismissed without prejudice; and that Proceeding No. 15A-0073T should be closed.

17. Pursuant to § 40-6-109(2), C.R.S., the ALJ recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders

1. The oral motion to dismiss is granted.
2. The application to provide local exchange telecommunications services, which application was filed by Mobilitie LLC, is dismissed without prejudice.
3. Proceeding No. 15A-0072T is closed.

Response to STF 1.11

G) RESPONDENT

63 ~~MOBILITE LLC~~ ☐
~~MOBILITE LLC~~
~~660 NEWPORT CENTER DR STE 200~~
~~NEWPORT BEACH~~ CA 92660-6403

64 ~~MOHAVE COOPERATIVE SERVICES INC~~ ☐
~~MOHAVE COOPERATIVE SERVICES INC~~
~~PO BOX 1045~~
~~BULLHEAD CITY~~ AZ 86430-1045

65 ~~MOSAIC NETWORKX LLC~~ ☐
~~MOSAIC NETWORKX LLC~~
~~454 LAS GALLINAS AVE STE 145~~
~~SAN RAFAEL~~ CA 94903-

66 ~~MULTILINE LONG DISTANCE INC~~ ☐
~~MULTILINE LONG DISTANCE INC~~
~~8044 MONTGOMERY RD STE 700~~
~~CINCINNATI~~ OH 45236-

67 ~~NATIONAL ACCESS LONG DISTANCE~~ ☐
~~NATIONAL ACCESS LONG DISTANCE~~
~~2033 GATEWAY PL 5TH FL~~
~~SAN JOSE~~ CA 95110-1060

68 ~~NATIONAL BRANDS~~ ☐
~~DBA SHARENET COMMUNICATIONS CO~~
~~PO BOX 2979~~
~~PHOENIX~~ AZ 85062-2979

69 ~~NATIONWIDE LONG DISTANCE SVC~~ ☐
~~NATIONWIDE LONG DISTANCE SVC~~
~~2000 TOWN CENTER STE 1900~~
~~SOUTHFIELD~~ MI 48075-

70 ~~NECC TELECOM INC~~ ☐
~~NECC TELECOM INC~~
~~4969 US HWY 42 STE 2700~~
~~LOUISVILLE~~ KY 40222-6393

71 ~~NET ONE INTERNATIONAL INC~~ ☐
~~NET ONE INTERNATIONAL INC~~
~~PO BOX 4970~~
~~WINTER PARK~~ FL 32793-

Processed by:

Reviewed by:

Narrative History for Docket Number 12-08024

As of: 4/2/2014

Date:	Narrative:	DocID:	Notes
3/18/2013	Rosemount Water Company paid administrative fine in the amount of \$500.00.	24297	Rosemount Water Company
3/18/2013	Pioneer Telephone paid administrative fine in the amount of \$125.00. (Duplicate payment returned.)	24229	Pioneer Telephone Returned
3/18/2013	American Phone Services Corp. paid administrative fine in the amount of \$750.00. (Duplicate payment returned.)	24228	American Phone Services Returned
3/15/2013	Mobilitie, LLC paid administrative fine in the amount of \$125.00.	24353	Mobilitie
3/15/2013	Velocity The Greatest Phone Company Ever, Inc. paid administrative fine in the amount of \$125.00.	24189	Velocity The Greatest Phone Company Ever
3/14/2013	Greenfield Communications, Inc. paid administrative fine in the amount of \$125.00. (NOTE: Payment returned.)	24216	Greenfield Communications RETURNED
3/14/2013	Reno Cellular Telephone Company d/b/a Cingular Wireless paid administrative fine in the amount of \$250.00.	24161	Reno Cellular Telephone
3/13/2013	QuantumShift Communications, Inc. d/b/a vCom Solutions paid administrative fine in the amount of \$125.00.	24107	QuantumShift Communications
3/12/2013	Peerless Network of Nevada, LLC paid administrative fine in the amount of \$125.00.	24085	Peerless Network of Nevada
3/11/2013	Telefonica USA, Inc. paid administrative fine in the amount of \$250.00.	24103	Telefonica USA
3/11/2013	Kajeet, Inc. paid administrative fine in the amount of \$500.00.	24102	Kajeet
3/11/2013	U.S. South Communications, Inc. d/b/a U.S. South and d/b/a INCOMM paid administrative fine in the amount of \$250.00.	24061	U.S. South Communications
3/11/2013	American Phone Services Corp. paid administrative fine in the amount of \$750.00.	24014	American Phone Services
3/11/2013	Assist Wireless, LLC paid administrative fine in the amount of \$125.00.	23987	Assist Wireless
3/11/2013	Southwest Telephone Company paid administrative fine in the amount of \$125.00.	23979	Southwest Telephone
3/8/2013	Valley Electric Association, Inc. paid administrative fine in the amount of \$250.00.	24022	Valley Electric Association
3/8/2013	Global Crossing North American Networks, Inc. paid administrative fine in the amount of \$500.00.	24018	Global Crossing North American
3/8/2013	Global Crossing Local Service, Inc. paid administrative fine in the amount of \$125.00.	24017	Global Crossing Local Service

STATE OF NEVADA
PUBLIC UTILITIES COMMISSION OF NEVADA
1150 E. William Street
Carson City, Nevada 89701-3109

No. 42797

RECEIPT

Received from

Date 3/17/2014

MOBILITIE LLC
2220 UNIVERSITY DR
NEWPORT BEACH, CA 92660

AMOUNT

\$

500.00

FIVE HUNDRED ----- and 00/100 Dollars

How Paid	Cash <input type="checkbox"/>	Check 00033877	Money Order	Draft
----------	----------------------------------	-------------------	-------------	-------

Type of Receipt	Filing Fee <input type="checkbox"/>	TDD <input type="checkbox"/>	Copy Service <input type="checkbox"/>	UEC <input type="checkbox"/>	Mill or CMRS <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
GL	3717		3818	3% to 3305 97% to LIHEA cc: Welfare	3920-3315 1038-3315	

Invoice#:

Memo

Admin Fine - Docket 13-10053

Received by JS

THE
COMPLIANCE
GROUP

RECEIVED-PUBLIC
UTILITIES COMMISSION
OF NEVADA-CARSON CITY

2014 MAR 17 AM 10:01

March 14, 2014

Jordan Neubauer
Public Utilities Commission of Nevada
1150 E William Street
Carson City, NV 89701

RE: Mobilitie, LLC (Docket No. 13-10053) Penalty

Dear Ms. Neubauer,

On behalf of Mobilitie, LLC, we are submitting the enclosed payment for fifty dollars (\$50.00) as penalty for the Final Order issued on February 26, 2014 under the Show Cause Proceeding Docket No. 13-10053. It is our understanding that as receipt of this payment is within the thirty (30) day window following issuance of the Commission's Final Order, Mobilitie, LLC will be absolved of any additional penalties under this Docket.

If you should have any questions or concerns please contact the undersigned at vmp@compliancegroup.com or (703) 714-1309.

Thank you,

Vineetha Pillai
Regulatory Consultant

GENERAL INQUIRIES: 1-877-435-1361
FAX: 978-709-6077
EMAIL: info@compliancegroup.com
WEB: WWW.COMPLIANCEGROUP.COM

THE COMPLIANCE GROUP
1425 ONE HILL ROAD
SUITE 301
MOOREHEAD, VIRGINIA 22102

Response to STF 1.12



THE STATE

OF WYOMING

MATTHEW H. MEAD
GOVERNOR

Public Service Commission

HANSEN BUILDING, SUITE 300

2515 WARREN AVENUE

CHEYENNE, WYOMING 82002

(307) 777-7427

FAX (307) 777-5700

TTY (307) 777-5723

<http://psc.state.wy.us>

COMMISSIONERS

ALAN B. MINIER, Chairman

BILL RUSSELL, Deputy Chairman

KARA BRIGHTON, Commissioner

CHRISTOPHER PETRIE

Secretary and Chief Counsel

DARRELL ZLOMKE

Commission Administrator

November 21, 2014

Michael P. Donahue
Vineetha Pillai
Marashlian & Donahue, LLC
1420 Spring Hill Rd., Suite 401
McLean, VA 22102

Re: IN THE MATTER OF THE APPLICATION OF MOBILITIE LLC FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATION SERVICES IN WYOMING - DOCKET NO. 70225-3-TA-14
(RECORD NO. 13897)

Dear Mr. Donahue and Ms. Pillai:

Enclosed is a copy of the Commission's *Order* in the above-entitled matter.

Should you have any questions regarding this matter, please contact the undersigned at
(307) 777-7427.

Very truly yours,

STEVE MINK

Assistant Secretary

SM/ae

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION OF)
MOBILITIE, LLC, FOR A CERTIFICATE OF) DOCKET NO. 70225-3-TA-14
PUBLIC CONVENIENCE AND NECESSITY TO) (RECORD NO. 13897)
PROVIDE LOCAL EXCHANGE)
TELECOMMUNICATION SERVICES IN)
WYOMING)

ORDER
(Issued November 21, 2014)

This matter is before the Wyoming Public Service Commission (Commission) upon the application of Mobilitie, LLC, (Mobilitie or the Company) for a Certificate of Public Convenience and Necessity (CPCN) to provide local exchange and interexchange telecommunication services in Wyoming, pursuant to W.S. §§ 37-15-201. The Commission having review the application, its files regarding Mobilitie, applicable Wyoming and Federal Law, and otherwise being fully advised in the premises, FINDS and CONCLUDES:

1. Mobilitie is a telecommunications company as defined by W.S. § 37-15-103(a)(xi) and is, as such, subject to the Commission's jurisdiction pursuant to W.S. § 37-15-401.

2. Mobilitie is a limited liability company duly organized under the laws of the state of Nevada. Mobilitie states it possesses all of the requisite approvals and authorities to transact business as a foreign corporation within Wyoming.

3. The Company filed its application on June 27, 2014, seeking certificate authority to provide local exchange telecommunication services using a facilities-based local exchange service. Mobilitie states it does not offer traditional residential or business local telephone service. Instead, it provides telecommunication service to a small number of larger, sophisticated carriers. Mobilitie states it intends to provide carrier's carrier transport service for wireless carriers using backhaul linked by fiber-optic cables with conversion equipment. Whenever possible it plans to use existing facilities of other carriers. Mobilitie states its services will rely on the Distributed Antenna System (DAS). Its DAS network does not require interconnection with incumbent local exchange carriers (ILEC) because its wireless service provider customers are already interconnected with Wyoming ILECs. With its application, Mobilitie filed a *Petition for Confidential Treatment of Mobilitie's Financial Statements (Petition)*.

4. In support of its application, the Company provided the Commission with biographies of its key management personnel setting forth their business and telecommunications experience, as well as financial and other supporting documents.

5. On July 17, 2014, the Commission issued its *Notice of Application (Notice)* which generally described the application and provided a protest deadline of August 18, 2014. No interventions, protests, comments or requests for hearing were received by the Commission.

6. W.S. § 37-15-201 provides:

(a) Except for those telecommunications companies that as of July 1, 2007, have a valid certificate of public convenience and necessity previously issued by the commission to provide local exchange services in the state, all telecommunications companies seeking to offer and provide local exchange service shall obtain a certificate of public convenience and necessity from the commission prior to providing that service in this state.

(b) The Commission shall grant a certificate or certificates of public convenience and necessity to provide local exchange service if it finds, after notice and opportunity for hearing, that the applicant possesses sufficient technical, financial and managerial resources to provide safe, adequate and reliable local exchange services within the identified geographic area.

7. W.S. § 37-15-202(a) states, in part:

Any service found to be effectively competitive shall not be subject to regulation of prices by the commission.

8. W.S. § 37-15-202(c) states:

Telecommunications service provided by new entrants, local exchange services provided by resale, telecommunications services provided by interexchange telecommunications companies, interexchange telecommunications services and telecommunications services other than local exchange service and switched access provided by a local exchange company shall be considered subject to competition for purpose of regulation under this title.

9. Pursuant to W.S. § 37-15-204(a):

Prices for generally offered competitive services shall be publicly available on a company's website through the internet, the world wide web or a similar proprietary or common carrier or provided to the commission. Price schedules may be filed in electronic format at the option of the company. For purposes of this subsection, the rules, regulations, policies, practices and other requirements relating to services shall be filed with the commission in such form and detail as the commission may require. Rules, regulations, policies, practices and other requirements relating to competitive services shall be subject to the same requirements under this chapter as the prices of competitive services.

10. The Company's application and *Petition* came before the Commission for consideration pursuant to due notice at its open meeting of October 23, 2014. Ryan Jardine, local counsel, appeared for Mobilitie by telephone. Jardine provided a summary of the application generally describing the information provided in paragraphs 2 through 4 above. Commission Advisory Staff recommended approval of Mobilitie's application and *Petition*.

11. The Commission finds and concludes that the Company's application is consistent with Wyoming and federal telecommunications law. The Company has demonstrated it possesses

sufficient technical, financial and managerial resources to provide safe, adequate and reliable service in Wyoming as required by W.S. § 37-15-201(b). The Commission further concludes the Company has supported its application to provide local exchange telecommunications services in Wyoming in the areas specified, and the application should be approved. The preponderance of the evidence in this case supports the Commission's decision.

IT IS THEREFORE ORDERED:

1. Pursuant to open meeting action taken on October 23, 2014, the application of Mobilitie, LLC for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in Wyoming is granted.

2. Mobilitie, LLC's *Petition for Confidential Treatment of Mobilitie's Financial Statements* is granted.

3. This *Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, on November 21, 2014.

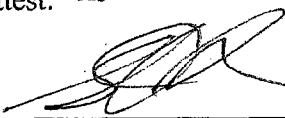
PUBLIC SERVICE COMMISSION OF WYOMING



Attest:


ALAN B. MINIER, Chairman


WILLIAM F. RUSSELL, Deputy Chairman


STEVE MINK, Assistant Secretary